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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,038	02/19/2002	Perttu Lamminen	33047/243926	9689
826	7590	04/18/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,038

Applicant(s)

LAMMINEN ET AL.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 4/4/2005. Applicants amend claims 6, 13, and 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 6-7, 9, 13-17, 19, are rejected under 35 U.S.C. 102(b) as being anticipated by Goos (3,219,483).

Claims 6-7, 9, 13-17: Goos discloses a mixer apparatus that includes an inner tube 1 surrounded by jacket 2, the inner tube and the surrounding jacket being separated by space 3, the tube 1 and jacket 2 being on the same axis, as shown in Figure 3. Flow of material in the inner tube flows as shown by arrow. Material also flows in the space 3 between the inner tube 1 and the surrounding jacket 2. As shown in Figure 3, the inner tube has form parts 10 extending a predetermined distance from the inner periphery of the tube. Material from space 3 through passages 11 is entering into the inner tube through the form parts as shown by the arrows and mixes with the material flowing in the inner tube, defining a mixing zone. The middle of the tube is free of any feed openings (col. 3, line 10 to col. 4, line 29, and Figures 1-4).

Claims, 9, 19: transverse boring is shown in Figure 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 8, 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goos in view of King (4,808,007). Goos is applied as above for claims 6, 17, Goos fails to disclose that mixer includes at least two successive form parts in the longitudinal direction of the tube. King discloses a mixer 10 that includes a hollow tubular member 1, which is constricted at 9, and the constriction extending from the tubular wall of member 1, includes orifices 5, 6, of circular cross-section. Constriction 9 surface is forming the mixing zone at a slope at 45 degrees to the centerline of tubular member 1. Entry port 15 is radially extending from outside the tube through the side walls of tubular member 1, at two locations in longitudinal direction as shown in Figure 9 (col. 3, line 24 to col. 4, line 38, and Figures 1-3, 9). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Goos and King, because such a combination would improve the process of mixing in the design of Goos.

Allowable Subject Matter

4) Claims 10-12, 20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not show: a mixer having a hollow form part, and wherein a feed opening has been formed on the control surface of the form part (claims 10, 20); a mixer having an adjustable position for the form part (claim 11); a mixer having adjustable shape of the form part (claim 12).

Response to Amendment

5) Claims 6, 17, objection is withdrawn in view of amended claims.

6) Claims 6-12, 17-20, rejection under 35 U.S.C. 112, first paragraph, is withdrawn in view of amended claims.

7) Claims 6-12, 17-20, rejection under 35 U.S.C. 112, second paragraph, is withdrawn in view of amended claims.

8) Claims 13-16, rejection under 35 U.S.C. 102(b) as being anticipated by King (4,808,007), is withdrawn in view of amended claims.

9) Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Halpern", with a stylized, flowing script.

Mark Halpern
Primary Examiner
Art Unit 1731